

26-49-205 Provision of volunteer health or veterinary services -- Administrative sanctions -- Authority of Division of Occupational and Professional Licensing.

- (1) Subject to Subsections (2) and (3), a volunteer health practitioner shall comply with the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other Utah laws.
- (2) Except as otherwise provided in Subsection (3), this chapter does not authorize a volunteer health practitioner to provide services that are outside the volunteer health practitioner's scope of practice, even if a similarly licensed practitioner in Utah would be permitted to provide the services.
- (3)
 - (a) In accordance with this section and Section 58-1-405, the Division of Occupational and Professional Licensing may issue an order modifying or restricting the health or veterinary services that volunteer health practitioners may provide pursuant to this chapter.
 - (b) An order under this subsection takes effect immediately, without prior notice or comment, and is not a rule within the meaning of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or a directive within the meaning of Title 63G, Chapter 4, Administrative Procedures Act.
- (4) A host entity may restrict the health or veterinary services that a volunteer health practitioner may provide under this chapter.
- (5)
 - (a) A volunteer health practitioner does not engage in unauthorized practice unless the volunteer health practitioner has reason to know of any limitation, modification, or restriction under this chapter, Title 58, Chapter 1, Division of Occupational and Professional Licensing Act, or that a similarly licensed practitioner in Utah would not be permitted to provide the services.
 - (b) A volunteer health practitioner has reason to know of a limitation, modification, or restriction, or that a similarly licensed practitioner in Utah would not be permitted to provide a service, if:
 - (i) the volunteer health practitioner knows the limitation, modification, or restriction exists or that a similarly licensed practitioner in Utah would not be permitted to provide the service; or
 - (ii) from all the facts and circumstances known to the volunteer health practitioner at the relevant time, a reasonable person would conclude that:
 - (A) the limitation, modification, or restriction exists; or
 - (B) a similarly licensed practitioner in Utah would not be permitted to provide the service.
- (6) In addition to the authority granted by law of Utah other than this chapter to regulate the conduct of volunteer health practitioners, the Division of Occupational and Professional Licensing Act or other disciplinary authority in Utah:
 - (a) may impose administrative sanctions upon a volunteer health practitioner licensed in Utah for conduct outside of Utah in response to an out-of-state emergency;
 - (b) may impose administrative sanctions upon a volunteer health practitioner not licensed in Utah for conduct in Utah in response to an in-state emergency; and
 - (c) shall report any administrative sanctions imposed upon a volunteer health practitioner licensed in another state to the appropriate licensing board or other disciplinary authority in any other state in which the volunteer health practitioner is known to be licensed.
- (7) In determining whether or not to impose administrative sanctions under Subsection (6), the Division of Occupational and Professional Licensing Act or other disciplinary authority shall consider the circumstances in which the conduct took place, including:
 - (a) any exigent circumstances; and
 - (b) the volunteer health practitioner's scope of practice, education, training, experience, and specialized skill.

Enacted by Chapter 242, 2008 General Session